

**REMARKS**

Claims 1-5, 7-10, 12-19, 21-25 and 35-61 have been rejected. Claims 1, 3, 10, 13, 18, 23, 38, 44, 50, 54, 56 and 60 have been amended. Claims 1, 18, 38, 50 and 56 are the independent claims.

**Claim Rejections Under 35 U.S.C. § 112**

Claim 3 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. It is contended that the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 3 has been amended herein. The Applicant respectfully asserts that the amendments to claim 3 obviate the rejection under 35 U.S.C. § 112. Therefore, the Applicant respectfully requests that the rejection of claim 3 under 35 U.S.C. § 112 be removed.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 1-4, 8, 10, 13, 16, 18, 19, 24, 25, 36-41, 46-54, and 56-60 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Publication No. 2004/0156294 to Watanabe et al. (“Watanabe”) in view of U.S. Publication No. 2002/0060968 to Senshu (“Senshu”). Applicant respectfully traverses this rejection.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the

facts. The key to supporting to any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant respectfully asserts that claim 1 is not taught, suggested or otherwise rendered obvious by either Watanabe or Senshu, either separately or in combination, because they do not teach or suggest all of the claim limitations and the Office Action does not explain why the differences between the cited art and the claimed invention would have been obvious to one of ordinary skill in the art.

For example, amended claim 1 recites a high-density recording medium including, among other things, “an information field of 4 bytes,” and “wherein the information field includes type information indicating at least one type of the following types: read-only, recordable, and rewritable.” The Applicant respectfully asserts that neither Watanabe nor Senshu, neither separately or in combination, teach or suggest or otherwise render obvious such a combination.

Contrary to what is recited in claim 1, Watanabe describes barcodes including information such as the types (rewritable, write-once, read-only) or the like of the disc. These areas are described as pre-recorded in barcode areas. (See, for example, paragraphs [0078] and [0168] of Watanabe.) However, the barcode areas of Watanabe are not the information field as recited in claim 1.

Senshu does not cure the insufficiencies of Watanabe. In fact, Senshu does not teach, discuss, or otherwise render obvious type information at all, let alone in the information field as set forth in claim 1. Because the combination of Watanabe and Senshu do not teach or suggest,

either separately or in combination, or otherwise render obvious, the recording medium as set forth in claim 1, the Applicant respectfully asserts that the rejections of claim 1 and its dependent claims under 35 U.S.C. § 103(a) be removed.

The Applicant respectfully notes that the other independent claims, claims 18, 38, 50 and 56, contain language similar to that recited above with respect to claim 1 and are therefore patentable at least for the same reasons set forth above with respect to claim 1. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of independent claims 18, 38, 50, and 56 and their corresponding dependent claims be removed.

Claims 5, 21, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe, in view of Senshu, and further in view of U.S. Publication No. 2001/0007545 to Ueda et al. (“Ueda”). The Applicant respectfully traverses this rejection.

Claims 5, 21 and 42 are ultimately dependent upon one of the independent claims recited above, and are therefore patentable at least by reason of their dependency. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of claims 5, 21 and 42 be removed.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe, in view of Senshu, and further in view of U.S. Patent No. 5,341,356 to Dieleman et al. (“Dieleman”). The Applicant respectfully traverses this rejection.

Claim 7 is ultimately dependent upon claim 1, which has been shown to be patentable at least for the reasons set forth above. Therefore, claim 7 is patentable at least by reason of its dependency. Therefore, the Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of claim 7 be removed.

Claims 9, 12, 35, and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable

over Watanabe, in view of Senshu, and further in view of Applicant's Admitted Prior Art ("AAPA"). The Applicant respectfully traverses this rejection.

Claims 9, 12, 35, and 45 are dependent upon one of the independent claims recited above which have shown to be patentable at least for the reasons set forth above. Therefore, claims 9, 12, 35 and 45 are patentable at least by reason of their dependency. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of claims 9, 12, 35 and 45 be removed.

Claims 14, 23, 44, 55 and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Senshu, and further in view of U.S. Patent 5,124,962 to Haneji ("Haneji"). The Applicant respectfully traverses this rejection.

Claims 14, 23, 44, 55, and 61 are ultimately dependent upon one of the independent claims described above which have shown to be patentable at least for the reasons set forth above. Therefore, the Applicant respectfully asserts that claims 14, 23, 44, 55, and 61 are patentable at least by reason of their dependency. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of claims 14, 23, 44, 55, and 61 be removed.

Claims 15, 17, 22, and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe, in view of Senshu, and further in view of U.S. Patent 6,377,526 to Vining et al ("Vining"). The Applicant respectfully traverses this rejection.

The Applicant respectfully asserts that claims 15, 17, 22 and 43 are ultimately dependent upon one of the independent claims which have been shown to be patentable above. The Applicant respectfully asserts that claims 15, 17, 22 and 43 are at least patentable by reason of their dependency. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of claims 15, 17, 22 and 43 be removed.

**Double Patenting**

Claims 1-5, 7-10, 12-19, 21-25, and 35-61 are provisionally rejected on the ground of non-statutory obviousness-type double patenting for the reasons set forth in the Office Action. The Applicant respectfully traverses these rejections.

The independent claims, claims 1, 18, 38, 50 and 56 have been amended herein. The Applicant respectfully asserts that the amended claims that now recite “wherein the information field includes type information indicating at least one type of the following types: read-only, recordable, and rewritable.” At least for the reasons stated above with respect to the rejections of claim 1 under 35 U.S.C. § 103(a), the Applicant respectfully asserts that the amended claims are not taught, suggested or otherwise rendered obvious by the cited references and therefore should not be provisionally rejected on grounds of non-statutory obviousness-type double patenting. Therefore, the Applicant respectfully requests that the provisional rejections of claims 1-5, 7-10, 12-19, 21-25, and 35-61 on the grounds of non-statutory obviousness-type double patenting be removed.

**<Remainder of Page Intentionally Left Blank>**

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-5, 7-10, 12-19, 21-25, and 35-61 in connection with the present application is earnestly solicited.

Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a one (1) month extension of time for filing a reply to the January 10, 2008 Office Action, and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By:



Terry L. Clark, Reg. No. 32,644  
P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

TLC/PXL:eab